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NOTICE OF ALLOWANCE AND FEE(S) DUE

28004 7590 12/29/2010

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OVERLAND PARK, KS 66251-2100

EXAMINER

ZENATI, AMAL S

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 12/29/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,459

03/01/2004

Warren B. Cope

2673

9953

TITLE OF INVENTION: METHOD AND APPARATUS FOR TRANSFERRING SERVICES FOR A FIRST LOCATION TO A DIFFERENT LOCATION
IN RESPONSE TO A PREDETERMINED EVENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/29/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,459 03/01/2004 Warren B. Cope 2673 9953

TITLE OF INVENTION: METHOD AND APPARATUS FOR TRANSFERRING SERVICES FOR A FIRST LOCATION TO A DIFFERENT LOCATION
IN RESPONSE TO A PREDETERMINED EVENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$0 \$0 \$1510 03/29/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
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ZENATI, AMAL S 2614 379-211020

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1021 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1021 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/790,459	COPE, WARREN B.	
	Examiner	Art Unit	
	AMAL ZENATI	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/01/2010.
2. ☒ The allowed claim(s) is/are 1-7,9,11-17,19-24,26 and 28-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <p>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____</p> <p>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</p> | <p>5. <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____.</p> <p>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</p> <p>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</p> <p>9. <input type="checkbox"/> Other ____.</p> |
|--|--|

DETAILED ACTION

This office action is in response to applicant's Pre-Brief Conference request filed November 01, 2010.

Response to Arguments

1. The Rejection under 35 USC 103(e) with respect to claims 1-7, 9, 11-17, 19-24, 26, and 28-34, is withdrawn based on Examiner's Amendment with respect to rejected claims 1 and 19.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David J. Bovitz, Reg. No. 61,911 on November 30, 2010. The applicant representative, David J. Bovitz agreed to the following changes without prejudice. (See the attached supplemental Amendment for claims 1 and 19 that has been sent by fax to Examiner on November 30, 2010).

The amendment as the following:

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Claim 1. A method of operating a communication system comprising: programming a first switch to terminate calls directed to at least one phone number at a first call center, wherein the first switch is communicatively coupled to the first call center; establishing a disaster recovery plan to terminate the at least one phone number at a second switch communicatively coupled to a second call center in response to the occurrence of a predetermined event, wherein the predetermined event is when the first switch becomes disabled; in response to the occurrence of the predetermined event, programming a local copy of a local number portability database to direct communications for the at least one phone number to the second switch, wherein the second switch is located in a different geographic area than the first switch, and wherein all the phone numbers actively terminated by the first switch are ported to the second switch.”

Claim 19. A communication system comprising: a first switch programmed to terminate calls directed to at least one phone number at a first call center, wherein the first switch is communicatively coupled to the first call center; a disaster recovery plan to terminate the at least one phone number at a second switch communicatively coupled to a second call center in response to the occurrence of a predetermined event, wherein the predetermined event is when the first switch becomes disabled; a local copy of a local number portability database configured to direct communications for the at least one phone number to the second switch in response to the occurrence of the predetermined event, wherein the second switch is located in a different geographic area than the first switch, and wherein all the phone numbers actively terminated by the first switch are ported to the second switch.”

Allowable Subject Matter

2. Claims 1-7, 9, 11-17, 19-24, 26, and 28-34 are allowed.

Reasons for Allowance

The following is an examiner's statement of reason for allowance:

The prior art specifically **Elsey et al (6,845,155 B2; hereinafter Elsey), and ("Midwest Region: primer for Local Number Portability," Issue 2, p.1-31, 7/27/1997)** failed to render obviousness in combination or individually, and failed to anticipate individually claim 1, claim 19 has the same limitation as claim 1:

In Elsey, switch 1003 routes calls to call center 1005, **unless call center 1005 is out of order** (Elsey, col. 9, lines 47); however, claim 1 recites "programming a first switch to terminate calls directed to at least one phone number at a first call center, wherein the first switch is communicatively coupled to the first call center; establishing a disaster recovery plan to terminate the at least one phone number at a second switch communicatively coupled to a second call center in response to the occurrence of a predetermined event, **wherein the predetermined event is when the first switch becomes disabled**" [Emphasize added]. Thus, the present invention teaches routing calls to a first switch communicatively coupled to a first call center, **unless the first switch is out of order not the first call center is out of order**. Therefore, Elsey failed to teach routing calls to the second switch communicatively coupled to a second call center when the first switch is out of order. **In other words, Elsey teaches routing calls based on determining if the first call centre is out of order; however, the present invention teaches routing calls based on determining if the first switch is out of order.** Moreover, see the Applicant's Pre-Brief argument in page 3, the Applicant's Pre-Brief argument states: "claim 1 recites "all the phone numbers actively terminated by the first switch are ported to the second

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switch" As discussed above, call center 1005 of Elsey is different from switch 1003 of Elsey. Phone numbers handled by switch 1003 of Elsey are not ported to another switch, as discussed in claim 1. Instead, switch 1003 still handles the same calls after call center 1005 is out of order, and switch 1003 routes these calls to a different switch, such as switch 1009 (Elsey, column 9, lines 36-50)."

For all the above reasons, **independent claims 1 and 19 are allowed. Claims 1-7, 9, 11-17,** are depended of independent **claim 1; and claims 20-24, 26, and 28-34** are depended of independent **claim 19**; therefore, claims 2-7, 9, 11-17, 20-24, 26, and 28-34 are allowed for their dependency from independent claims 1 and 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

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from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

/Amal Zenati/
Patent Examiner, Art Unit 2614

November 30, 2010